



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,602	12/31/2003	Daryll A. Emery	293.00010102	8548
26813	7590	08/03/2010	EXAMINER	
MUETING, RAASCH & GEBHARDT, P.A. P.O. BOX 581336 MINNEAPOLIS, MN 55458-1336				LEITH, PATRICIA A
ART UNIT		PAPER NUMBER		
1655				
MAIL DATE		DELIVERY MODE		
08/03/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10749602	12/31/03	EMERY ET AL.	293.00010102

EXAMINER

Patricia Leith

ART UNIT	PAPER
1655	20100730

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Reply Brief submitted on 17 May 2010 is noted.

Please replace the status of the claim rejections on page 4 of the Examiner's Answer with the following:

Claims 34, 37, 39-43, 67-69, 88-86, 89, 91-95 and 97-102 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Emery et al. (US 5,538,733) in view of Phelps et al. (US 5,830,479) in view of Emery et al. (US 5,339,766).

This rejection statement deletes claim 83 from the claims being rejected. In their Reply Brief of 17 May 2010, Appellants correctly point out that claim 83 was cancelled via amendment in their response submitted to the Office on 15 May 2007. Thus, the inclusion of claim 83 in the above-cited rejection was inadvertent and is deleted from said rejection herein to correct the record.

This case is being forwarded to the BPAI for a decision on Appeal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Leith whose telephone number is (571) 272-0968. The examiner can normally be reached on Monday - Friday 8:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on (571) 272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia Leith
Primary Examiner
Art Unit 1655

/Patricia Leith/
Primary Examiner, Art Unit 1655

PTO-90C (Rev.04-03)